

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-HC-2099

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
DARRYL TUCKER,)	
Reg. No. 28964-037,)	
)	
Respondent.)	

On 13 May 2014, at the request of the Warden of the Federal Medical Center, Butner, North Carolina, petitioner filed a motion requesting a hearing pursuant to 18 U.S.C. § 4245 in order to determine the present mental condition of the respondent. (DE # 1.) On 15 May 2014, the court granted the motion and set this case for hearing by video conference on 7 August 2014. (DE # 4.) On 7 July 2014, petitioner filed a motion to cancel the 7 August 2014 hearing and to dismiss this case without prejudice. (DE # 7.)

In support of the motion, petitioner represents that respondent has recently begun cooperating with recommended psychiatric treatment, and his mental health condition has improved considerably. (Mot., DE # 7, at 2.) As such, while respondent's treatment providers still believe he is presently suffering from a mental disease or defect, they no longer opine that he requires transfer to a suitable facility for care or treatment. (Id.) Accordingly, for good cause shown, petitioner's motion is GRANTED, and this case is DISMISSED WITHOUT PREJUDICE. Additionally, the Clerk is DIRECTED to cancel the 7 August 2014 hearing in this

matter.

This 7 July 2014.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge